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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,464	01/26/2001	Thomas Throe Scherb	P20417	5460

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RESTON, VA 20191

EXAMINER

HASTINGS, KAREN M

ART UNIT	PAPER NUMBER
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1731

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DATE MAILED: 06/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

07/769464

Applicant(s)

SCHERB et al

Examiner

HASTINGS

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/24/2002
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-26 is/are pending in the application.
- ☐ Claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-26 is/are allowed.
- ☒ Claim(s) 1 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152

Other The Substitute spec filed 4/24/02 has been entered.

Office Action Summary

Claims 1-8, 11 and 15-26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kamps et al.

No differences can be seen over the forming fabric/wire of Kamps et al. which is used in the initial forming section to make a tissue paper. Kamps et al. discloses that the forming fabric may have areas of relatively slow water drainage, i.e. zonally variable wire permeability. Column 3 lines 10-20 disclose that the wire can be formed by weaving a decorative pattern into the forming fabric/wire. The abstract also states the wire with a pattern that has slower drainage area can be formed by weaving. Inherently one of ordinary level of skill in the art would immediately envision this means the wire has at least two zones with different permeabilities formed by warp and weft threads.

Figure 5 of Kamps et al. shows a crescent former with the decorative fabric 13 overlaying a twin wire paper making felt/wire 12.

Again, no differences can be seen over this reference. But if any minor differences exist, they would have been *prima facie* obvious to one of ordinary skill in the art. For example, note that the term "wire" or "belt" or "fabric" are all used interchangeably in the paper making forming fabric art and the

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Examiner sees no distinction between the phrase "dewatering wire" as used in these claims and "forming fabric" used to describe the decorative forming wire/fabric of the reference, Kamps et al.

Kamps at col 1 at col 5 lines 60-62 even describes the forming fabric as a wire.

With respect to new claims 25, 26 Kamps et al specifies that there is a slower drainage area which inherently meets the claimed limitations.

Claims 9 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kamps et al. as applied to claim 1 above, and further in view of Kotitschke which, if even necessary, exemplifies the very well known conventional feature of a conditioning device/wire cleaning device for the wires in a twin wire section. See for example blowing device 2 and water spraying device 3 shown in Kotitschke to clean the forming fabric as well as high pressure spray tubes 4 to also clean it. Thus to provide conditioning/cleaning devices for the forming fabrics of Kamps et al. would have been prima facie obvious to one of ordinary skill in the art in order to gain the known advantages of keeping the fabrics/wires clean.

Claims 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kamps et al. as applied to claim 1 above, and further in view of as necessary Eaton et al. which, if even

necessary, exemplifies that machine speeds at the recited ranges are known. Thus to operate a paper making machine at such speeds would have been prima facie obvious for the known advantages of obtaining more output per unit time by running the machine at the fastest possible rate. Note furthermore that Kamps et al. at column 11 line 36 teaches as an example a machine speed of 2500 feet per minute. It is well known that the speed of the machine is a known result effective variable; again the faster the machine goes, the more output will be obtained, etc. See Eaton et al. column 5 lines 52-55 which teaches present operating commercial twin wire machines speeds of up to 6000 feet per minute (1828 meters per minute) are used.

Claims 5, 12-14 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to the respective claims above, and further in view of Turunen et al. as necessary.

Turunen et al. teaches at column 1 lines 14-16 that in a paper making twin wire tissue making machine, the endless fabrics each may take the form of either a wire or felt. Thus to use two wires and have a double wire former as set forth in claims 5 and 18 would have been prima facie obvious to one of ordinary skill in the art.

Note with respect to claims 12-14 column 1 lines 44+ teach that upper speed limits of 1500 meters per minute are relatively

low maximum speeds; and the inventive machine of Turunen et al. (in 1979) teaches they may achieve speeds higher than that. Clearly thus it would have been prima facie obvious to operate a tissue making machine such as one with a zonally variable permeability fabric such as shown in Kamps et al. and/or suggested by other references at the recited speeds since these are known and/or suggested operating speed ranges for tissue making machines.

Claims 1-26 are also rejected under 35 U.S.C. 103(a) as being unpatentable over the respective references as applied to the claims above, and further in view of SE 427053 or Hay et al.

SE '053 teaches a forming wire/fabric using different weave paths to make different porosity and void volume/permeability. The translation teaches this may be used for a forming wire to make tissue non-wovens or the like. Likewise Hay et al (US equivalent to PCT GB 99/02684, i.e. WO/12817, mentioned in the instant specification at pg 9) teaches a forming fabric to produce a patterned fibrous web with different areas of zonal permeability. Hays et al also specifically teaches on page 12 that the forming fabric may be employed as a forming wire in the wet forming process.

It can be seen that either of these references alone anticipates and/or renders obvious many of the claims of record.

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But in any event, in order to be complete and not give unduly multiple rejections, it would have been *prima facie* obvious to one of ordinary skill in the art to use the forming wires/fabrics of either Swedish '053 or Hay et al as the decorative forming fabric in the twin wire machine as taught in Kamps et al for the known advantages of these fabrics as taught by each reference. These references are applied, especially Hays et al, since the specification of this application explicitly teaches that forming fabrics/wires of these types are intended to be encompassed by the claims.

Applicants' arguments filed April 24, 2002 have been considered but are not seemed to be persuasive.

Applicants argue Kamps et al does not teach or suggest a wire of different wire permeabilities. The examiner respectfully disagrees. A wire with slower drainage area relative to other areas that may be provided by weaving as explicitly taught in Kamps et al inherently has different wire permeabilities in at least two zones as claimed.

Likewise arguments that SE 053 and Hay et al do not teach this feature are unpersuasive. Applicants' even admit in their specification that these references teach this. See for example page 3 ¶ Wires with zonally variable wire permeability are especially known from SE 427 053. ¶ See page 9 ¶ As wires with

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zonally variable wire permeability, wires for instance of the type described in PCT /GB 99/02684 can be considered - Hay et al is US family member equivalent to PCT 684.

The arguments that Kamps only teaches the use of the wire to improve an optical property, the appearance, versus a physical characteristic of the web are not persuasive. First of all, the appearance is a physical property/characteristic of the web. Further, nothing in the claims nor specification limit the claimed invention to improving different physical characteristics of the paper web. And yet further, one does not need to be motivated by applicants reasons to modify a reference. To use a forming wire with different wire permeability zones for its known intended purpose of a forming wire in a tissue making machine would have been *prima facie* obvious, if indeed not inherent, from these teachings. Kamps is relied upon as since it teaches use of such a wire in a crescent double wire former as required by claim 3 etc.

Further note Hay et al col 1 lines 25 to 55 for discussion of which makes it clear that forming a decorative web impacts physical characteristics of the web (e.g. influencing density or thickness of fiber deposits in a controlled manner, etc, etc,)

Arguments relative to other references, applied to various dependent claims, that they do not teach a wire as claimed, are

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not persuasive since these references are not relied upon to teach that feature.

Applicants amendment necessitate the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hastings whose telephone number is (703) 308-0470. The examiner can normally be reached on Monday through Thursday from 6:30 A.M. to 5 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steven Griffin, can be reached on (703) 308-3857. The fax phone number for this Group is (703) 305-7115.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.


Karen M. Hastings
Senior Primary Examiner
Art Unit 1731

KMH/cdc
June 18, 2002

6/2002